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SH 2510292

EXHIBITS

A **One (1) USB containing a scanned copy of the Homicide investigation book, digital photographs, and associated reports of file # 020-04324-0375-013.**

B **Memorandum from the Los Angeles County District Attorney's Office Justice System Integrity Division to Captain Joe Mendoza, dated June 24, 2021.**

C **One (1) Compact Disc containing radio traffic.**

D **One (1) Compact Disc containing surveillance videos.**

MISCELLANEOUS DOCUMENTS

Three (7) Signed Administrative Rights Force / Shooting Investigation Forms.

POST training records and range qualification records of involved employee Deputy [redacted]

POST training records and Custody Training Report of involved employee Deputy [redacted]

POST training records and range qualification records of involved employee Deputy [redacted]

POST training records and range qualification records of involved employee Deputy [redacted]

Criminal Index and Minute Order for Case YA102033.

Emails from Assistant Chief Counsel for Homeland Security Investigations, Attorney Mia Woods to IAB Investigators on request for interview Special Agent [redacted]

Laboratory Examination Report, Examination Conclusions, dated June 1, 2020.

Laboratory Examination Report, Examination Conclusions, dated November 23, 2020.

GSU Surveillance and Apprehension Investigative Worksheet.

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF PROSECUTION SUPPORT OPERATIONS
JUSTICE SYSTEM INTEGRITY DIVISION

GEORGE GASCÓN • District Attorney
JOSEPH F. INIGUEZ • Interim Chief Deputy District Attorney
VICTORIA L. ADAMS • Chief of Staff

RONALD GELTZ • Director

June 24, 2021

Captain Joe Mendoza
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Fatal Officer Involved Shooting of Robert Avita
J.S.I.D. File #20-0178
L.A.S.D. File #020-04324-0375-013

Dear Captain Mendoza:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 26, 2020, fatal shooting of Robert Avita by Los Angeles County Sheriff's Department (LASD) Deputies [redacted], [redacted], [redacted] and [redacted]. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

GEORGE GASCON
District Attorney

ALAN YOCHELSON
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy [redacted], #[redacted]
Deputy [redacted], #[redacted]
Deputy [redacted], #[redacted]
Deputy [redacted], #[redacted]

Hall of Justice
211 West Temple Street, Suite 1200
Los Angeles, CA 90012
(213) 974-3888
Fax: (213) 626-5125
WEBSITE: http://da.lacounty.gov

MEMORANDUM

TO: CAPTAIN JOE MENDOZA
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Fatal Officer Involved Shooting of Robert Avita
J.S.I.D. File #20-0178
L.A.S.D. File #020-04324-0375-013

DATE: June 24, 2021

The Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office has completed its review of the May 26, 2020, fatal shooting of Robert Avita by Los Angeles County Sheriff's Department (LASD) Deputies [redacted], [redacted], [redacted] and [redacted]. We have concluded the deputies acted lawfully in self-defense and defense of another.

The District Attorney's Command Center was notified of the shooting at approximately 6:54 p.m. on May 26, 2020. The District Attorney Response Team responded to the location. They were given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, firearm analysis reports, coroner's reports, photographs, surveillance video and witness statements submitted to this office by LASD Homicide Bureau Detectives Adan Torres and Scott Giles. The voluntary statements of the involved deputies were considered as part of this analysis.

FACTUAL ANALYSIS

On May 26, 2020, at approximately 5:00 p.m., LASD deputies assigned to the Operation Safe Street Gang Surveillance Unit were tasked with surveilling Robert Avita, a suspect in a homicide from earlier that month. Prior to the commencement of the surveillance, all team members were provided with photographs of Avita and factual information regarding the crime they would be arresting him for.[1] Team members were dressed in civilian clothing, but also wore LASD tactical vests which

[1] Avita and another suspect were captured on video shooting the homicide victim while he was in his vehicle. Avita was identified from the video. Team members were also provided with information regarding his height, weight, age and unique tattoos by which to identify him.

clearly identified them as police officers.[2] Avita was initially inside a residence on 110th Street. Team members were placed surrounding the residence and Avita was observed looking out the front door at approximately 4:45 p.m.[3] A loudspeaker was used to communicate with Avita and order him to exit the residence. Avita did not comply initially, then ran out of the rear entrance of the location towards 109th Place. Team members moved to that location and observed Avita standing on a sidewalk holding a pistol in his right hand. Multiple deputies ordered Avita to drop the gun, but Avita ignored these commands. Avita ran to the corner of Budlong Avenue and 109th Place as deputies continued to order him to drop the gun and put his hands in the air.[4]

As Avita was running toward Budlong Avenue, Deputy [redacted] was driving towards his location. He observed Deputy [redacted] running towards the location and stopped to pick him up. The two deputies drove to the corner of 109th Place and Budlong Avenue, exited their vehicle and took cover behind a vehicle. [redacted] observed Avita holding a gun in his right hand and noted that [redacted] and [redacted] were to his right utilizing the same vehicle for cover.[5] [redacted] and [redacted] also observed the gun in Avita's hand. [redacted], [redacted] and [redacted] could see that Avita's finger was on the trigger of the weapon.



Still photograph from nearby surveillance camera depicting Avita with a firearm in his hand.

Avita removed his cellphone from his pants pocket, while still holding the gun, and made a phone call.[6] When Avita completed the call, he remained standing on the curb with the pistol in his hand. Avita then jerked his right hand up and pointed the firearm at [redacted], [redacted], [redacted] and other nearby deputies.

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[2] Multiple civilian witnesses in the area were able to identify the deputies as police officers based upon their attire.
[3] Avita's movements throughout the surveillance were broadcast via radio to all team members.
[4] Multiple civilian witnesses heard these commands, with some estimating Avita was ordered to drop the weapon as many as twenty times.
[5] [redacted] had walked to the location.
[6] The investigation later determined Avita called his [redacted].

[redacted], in fear for his life as well as the lives of the other deputies, fired his service weapon until he observed Avita beginning to fall to the ground.[7] [redacted] and [redacted] also in fear for their lives and the lives of surrounding deputies, fired their service weapons at Avita.[8]

Deputy [redacted] was taking cover behind a different vehicle when he observed Avita pointing the gun at deputies and heard gunfire. During the pursuit of Avita earlier, Avita had pointed the weapon at [redacted].



Still photograph from nearby surveillance camera depicting Avita pointing the firearm at [redacted]

[redacted] saw Avita jerk and fall to his knees. [redacted] saw that the gun was still in Avita's right hand and Avita began raising his arm as if to fire the weapon. Fearing Avita was about to fire the weapon, [redacted] fired two rounds from his service weapon in an effort to protect himself and the other nearby deputies.

Team members approached and recovered the firearm from Avita's hand and rendered aid until paramedics arrived at the location.[9] Avita was pronounced dead at the scene. A subsequent autopsy ascribed the cause of death to multiple gunshot wounds.[10]

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[7] [redacted] fired a total of 12 rounds from his service weapon.

[8] [redacted] fired four rounds. [redacted] fired three rounds.

[9] The weapon was determined to be a 9mm semiautomatic Ruger, model Security-9 handgun, containing a live, "WIN 9mm Luger" ammunition round in the chamber as well as an inserted magazine containing 14 additional live ammunition rounds. Swabs taken on the trigger and other areas of the firearm were found to have DNA consistent with Avita having handled the weapon.

[10] A toxicology screen completed as part of the autopsy found marijuana, amphetamines and methamphetamines in Avita's system at the time of his death.



Firearm recovered from Avita after the officer-involved shooting.

A canvass of the neighborhood was conducted and multiple witnesses who heard the gunshots were located. Additionally, several witnesses observed officers chasing Avita and heard them give commands for him to drop the gun and put his hands in the air. Two witnesses observed Avita with the gun in his hand and one of them saw him pointing the gun at deputies immediately prior to hearing gunshots.

LEGAL ANALYSIS

On August 19, 2019, Governor Gavin Newsom signed California Assembly Bill 392. Assembly Bill 392 modified California use of force law, Penal Code sections 196 and 835a, and became operative on January 1, 2020. This case is being analyzed pursuant to the new law.

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right of self-defense or the defense of others actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code section 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also,* CALCRIM No. 505.

A peace officer is justified in using deadly force upon another person when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons: (1) to defend against an imminent threat of death or serious bodily injury to the officer or to another person; or (2) to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Penal Code section 835a(c)(1)(A) & (B).

A threat of death or serious bodily injury is imminent when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed. Penal Code section 835a(e)(2).

When considering the totality of the circumstances, all facts known to or perceived by the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force, are taken into consideration. Penal Code section 835a(a)(4) & (e)(3). The peace officer's decision to use force is not evaluated with the benefit of hindsight and shall account for occasions when officers may be forced to make quick judgments about using force. Penal Code section 835a(a)(4).

Under the new use of force law, the reasonableness of an officer's use of deadly force is analyzed using a reasonable officer standard, not the reasonable person standard that was previously applied and articulated in *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1147. In evaluating whether a police officer's use of deadly force was reasonable in a specific situation, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. CALCRIM Nos. 505, 507.

In the instant matter, each of the deputies who used deadly force against Avita did so as he was pointing or raising the weapon in a manner which posed an imminent deadly threat. As such, their use of deadly force was reasonable under the totality of the circumstances.

CONCLUSION

We find that Deputies [redacted], [redacted], [redacted] and [redacted] acted lawfully in self-defense and defense of another when they used deadly force against Robert Avita. We are closing our file and will take no further action in this matter.

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	
05/26/2020	Central Patrol Division / South Los Angeles Station	Admin. Invest.? ☐ Hit? ☑

Incident Information

URN: 020-04324-0375-013	Date: 05/26/2020 Time: 1715 hours
City or Station: South Los Angeles	Nature of Incident: Deputies attempted to arrest the suspect involved in a murder investigation. The suspect pointed the firearm at the deputies and a deputy involved shooting occurred.
Location: [redacted] West 109th Place, Los Angeles, CA 90044	

Location Type (*check one or more*):
☐ Backyard
☐ Beach
☐ Business
☐ Freeway
☐ Industrial
☐ Park
☐ Parking Lot
☐ Residence
☐ Rural
☐ School
☑ Street
Other:

Lighting (*check only one*):
☐ Darkness
☑ Daylight
☐ Other
☐ Street Lights

Weather (*circle only one*):
☑ Clear
☐ Cloudy
☐ Fog
☐ Rain

Distance: 20 yards

Incident Type (*check one or more*):
☐ Accidental
☑ Armed Person
☑ Fleeing Suspect
☐ Foot Pursuit
☐ Gun Take Away
☐ Moving Vehicle
☐ Sniper/Ambush
☐ Startle
☐ Struggle Involved
☐ Traffic Stop
☐ Unarmed Person
☐ Unintentional
☐ Vehicle Pursuit
☐ Warrant Service
☐ Warning Shot
Other:

Initiated by (*check only one*):
☑ Arrest Warrant
☐ Call
☐ Observation
☐ One Person Unit
☑ Other
☐ Search Warrant
☐ Two Person Unit

Prior Activity (*check only one*):
☑ Detective
☐ Inmate Transport
☐ Other
☐ Routine Patrol

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
21	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
[redacted]	Campos	Marcelo	A	☐ EM ☐ PM ☑ Day	☑ Regular ☐ Overtime ☐ Off Duty
[redacted]	[redacted]	[redacted]	[redacted].	☐ EM ☐ PM ☑ Day	☑ Regular ☐ Overtime ☐ Off Duty
[redacted]	Woodard	Theodore	L.	☐ EM ☐ PM ☑ Day	☑ Regular ☐ Overtime ☐ Off Duty

Non-Employee Witnesses

Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	[redacted]	[redacted]	[redacted].	☑ On Duty ☑ Present during shooting ☑ Witness to shooting ☐ Involved in shooting
[redacted]	Rocio	Molina	E.	☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	[redacted]

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Soto	Marco	A.

PSTD Use Only
SH # 2510292

Officer Involved Shooting
Involved Employee Information

URN: 020-04324-0375-013

Involved Employee

E 1

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Sex: M Race: H	Rank: [redacted]	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): ☐ EM ☐ PM [redacted] Day	ShiftType (*circle only one*): [redacted] Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☑
Hrs of sleep prior to shooting: 7 hrs. / Age: [redacted] Height: 5'11"	Duty Time (hrs): [redacted] / Weight: 200	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☑ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☑ Number of Prior Shootings: 2 Directed Force: [redacted]
Weapons Fired Brand: Heckler & Koch Caliber 9 mm # Shots 12		Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E 2

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Sex: M Race: H	Rank: [redacted]	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): ☐ EM ☐ PM [redacted] Day	ShiftType (*circle only one*): [redacted] Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: 7-8 hrs. / Age: [redacted] Height: 5'10"	Duty Time (hrs): [redacted] / Weight: 185	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☑ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☑ Number of Prior Shootings: 1 Directed Force: [redacted]
Weapons Fired Brand: Heckler & Koch Caliber 9 mm # Shots 4		Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E 3

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Sex: M Race: H	Rank: [redacted]	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): ☐ EM ☐ PM [redacted] Day	ShiftType (*circle only one*): [redacted] Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: 6-8 hrs. / Age: [redacted] Height: 5'08"	Duty Time (hrs): [redacted] / Weight: 175	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☑ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☑ Number of Prior Shootings: 2 Directed Force: [redacted]
Weapons Fired Brand: Heckler & Koch Caliber 9 # Shots 3		Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Involved Employee Information

URN: 020-04324-0375-013

Involved Employee

E 4

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Sex: M Race: H	Rank: [redacted]	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): ☐ EM ☐ PM ☒ Day	ShiftType (*circle only one*): ☒ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☑ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☐ Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 5'10"	Weight: 210		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] Prior Shootings? [redacted]	Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Colt Caliber .223 # Shots 2		Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted].
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted].

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☐ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: Prior Shootings? ☐	Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber # Shots		Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☐ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: Prior Shootings? ☐	Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber # Shots		Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

Suspect Information

S 1

Last Name: Avitia	First Name: Robert	M.I. NMN
AKA Last Name: None	First Name:	M.I.
Sex: M Race: H	Street Address: [redacted] City: [redacted]	State & Zip Code: [redacted] [redacted]
Work Phone: [redacted]	Home Phone: [redacted] Social Security #:	Driver's License #: [redacted]
Age: 18 D.O.B. 09/23/2001	Height: 510 Weight: 160 FBI #: [redacted]	CII #: [redacted]
Booking #:	Primary Charge: 187 (a) PC Secondary Charge:	
Coroner Case? ☑	Coroner Case #: 2020-04660 Intoxication/Drug Usage? ☑	Substance Used: Methamphetamine
Armed? ☑	Apprehended? ☑ Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Model:	Year: Parole: No Probation: Yes	Prior Felony Conviction: Yes

S

Last Name:	First Name:	M.I.
AKA Last Name:	First Name:	M.I.
Sex: Race:	Street Address: City:	State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #:	CII #:
Booking #:	Primary Charge: Secondary Charge:	
Coroner Case? ☐	Coroner Case #: Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐ Mental Illness? ☐	Criminal History? ☐
Vehicle Make: Model:	Year: Parole: Probation:	Prior Felony Conviction:

S

Last Name:	First Name:	M.I.
AKA Last Name:	First Name:	M.I.
Sex: Race:	Street Address: City:	State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #:	CII #:
Booking #:	Primary Charge: Secondary Charge:	
Coroner Case? ☐	Coroner Case #: Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐ Mental Illness? ☐	Criminal History? ☐
Vehicle Make: Model:	Year: Parole: Probation:	Prior Felony Conviction:

S

Last Name:	First Name:	M.I.
AKA Last Name:	First Name:	M.I.
Sex: Race:	Street Address: City:	State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #:	CII #:
Booking #:	Primary Charge: Secondary Charge:	
Coroner Case? ☐	Coroner Case #: Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐ Mental Illness? ☐	Criminal History? ☐
Vehicle Make: Model:	Year: Parole: Probation:	Prior Felony Conviction:

See Other Side

Officer Involved Shooting URN: 020-04324-0375-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
05/26/2020	2000 Hours	05/26/2020	05/26/2020

Employee #	Last Name	First Name	M.I.
[redacted]	Morey	Patrick	W.
[redacted]	Chapman	Scott	D.
[redacted]	Walker II	Deryl	T.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	FH	SR	9			NN	
E1	S1	FR	HK	9	Y	Y	GS	CH
E2	S1	FR	HK	9	Y	Y	GS	CH
E3	S1	FR	HK	9	Y	Y	GS	CH
S1	E1	FH	SR	9			NN	
E4	S1	FR	CO	23	Y	Y	GS	CH

See Front Side

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT: **On-Duty Hit Shooting, Suspect Deceased**

IAB FILE NUMBERS: **SH 2510292**

URN#: **020-04324-0375-013**

DATE/TIME: **May 26, 2020 / 1715 Hours**

LOCATION: [redacted] **West 109th Place, Los Angeles**

SYNOPSIS

On May 26, 2020, an Internal Affairs Bureau (IAB) team comprised of Lieutenant Deryl Walker, Sergeants Scott Chapman, and Patrick Morey, responded to South Los Angeles Station regarding an on-duty deputy involved hit shooting. On September 9, 2021, this case was reassigned to IAB Sergeant Armando Martinez.

Lieutenant Walker confirmed the Watch Commander, Lieutenant Marco Soto, took reasonable steps to ensure the involved employees and witness employees did not discuss the incident amongst themselves or with uninvolved persons prior to being interviewed by the assigned investigators.

Lieutenant Walker verified with Lieutenant Soto the involved employees and witness employees did not collectively consult with their attorney or representative, and he verified the personnel gathered in the company of a supervisor until they provided a statement to the assigned investigators.

Detectives Scott Giles and Adan Torres from the Los Angeles County Sheriff's Department (LASD) Homicide Bureau arrived and assumed control of the criminal investigation. For further information, refer to the Homicide Bureau casebook, under file # 020-04324-0375-013 **[EXHIBIT A: Homicide book]**.

SUMMARY

On May 1, 2020, a murder occurred in the South Los Angeles Station area. The murder was investigated under file # 020-03538-0375-011. Homicide Investigators Gordon Lukehart and Domenick Recchia investigated the case. During their investigation, investigators developed information which identified Robert Avitia (Suspect Avitia) and

Miguel Gaxiola (Mr. Gaxiola) as the suspects who committed the murder **[EXHIBIT A: Homicide Book, pages 113-133]**. Investigators obtained arrest warrants for Suspect Avitia and Mr. Gaxiola **[EXHIBIT A: Homicide Book, pages 141-144]**. Deputy [redacted] (Involved Employee [redacted]) [redacted]. Deputy [redacted] was contacted by Homicide Investigators Lukehart and Recchia and tasked to locate and apprehend the suspects.

On May 21, 2020, GSU members located and arrested Mr. Gaxiola without incident.

On May 26, 2020, at approximately 1000 hours, GSU members met at South Los Angeles Station and briefed the operations plan, which contained the mission to surveil, locate and apprehend Suspect Avitia. GSU team members briefed Suspect Avitia's criminal history, possible addresses, and photographs of Suspect Avitia. They also discussed tactics and contingencies to apprehend Suspect Avitia. Following the briefing, GSU members conducted surveillance at [redacted], as an address associated with Suspect Avitia.

At approximately 1630 hours, Deputy [redacted] observed Suspect Avitia at the location. Deputy [redacted] conferred with Sergeant [redacted] (Witness Employee) regarding the next tactical approach to apprehend Suspect Avitia. Deputy [redacted] and Sergeant [redacted] agreed to conduct a surround and call out of the location for Suspect Avitia. Deputy [redacted] developed a plan for GSU members to contain and surround the location. GSU members donned their tactical vests with identifiable law enforcement insignias in preparation for the call outs. Deputies Marcelo Campos (Witness Employee Campos) and Theodore Woodard (Witness Employee Woodard) were in Sheriff's Department uniforms and approached the location. Deputy Campos utilized the public address system (PA) loudspeaker of their patrol vehicle and made announcements for the residents of [redacted] to exit the location. While announcements were made, occupants exited the location. GSU deputies observed a male inside the residence, exit through the rear. Deputy [redacted] (Involved Employee [redacted]) and Homeland Security Special Agent [redacted], who was [redacted], observed Suspect Avitia exited a yard on 109th Place.

Deputy [redacted] and Special Agent [redacted] utilized their radios and relayed that Suspect Avitia was running with a firearm, westbound 109th Place toward Budlong Avenue. Deputy [redacted] and Special Agent [redacted] followed Suspect Avitia westbound 109th Place. Deputy [redacted] followed Suspect Avitia in his Dodge Charger, as Special Agent [redacted] followed on foot. Deputy [redacted] and Special Agent [redacted] gave numerous commands for Suspect Avitia to drop the firearm. Other GSU members, who were in front of [redacted] entered their vehicles and proceeded to the corner of Budlong Avenue and 109th Place.

Deputies observed Suspect Avitia on the north sidewalk, in front of [redacted] 109th Place, armed with a firearm in his right hand. Suspect Avitia held the firearm at the side of his right leg, pointed down with his finger inside the trigger well. Deputies [redacted], [redacted] (Involved Employee [redacted]), [redacted] (Involved Employee [redacted]),

and Sergeant [redacted] took cover behind a parked vehicle on the south side of the street and continued to give Suspect Avitia commands to drop the weapon and to give himself up. Deputy Woodard utilized his handheld radio and broadcasted to Sheriff's Communication Center (SCC), they were detaining a suspect with a firearm at Budlong Avenue and 109th Place **[EXHIBIT C: Radio Traffic, SCC Access and Dispatch 12]**.

Sergeant [redacted] developed a plan for less lethal weapons to be deployed, as well as Deputies [redacted], [redacted], and [redacted] as designated shooters, if warranted. Suspect Avitia ignored commands to drop the firearm and appeared to make a phone call. After the phone call, and with his finger in the trigger well of the firearm, Suspect Avitia canted his right hand toward the deputies. Deputies [redacted], [redacted], and [redacted], fearing Suspect Avitia was going to shoot and kill them, fired their firearms at Suspect Avitia. Deputy [redacted] fired ten (10) times at Suspect Avitia in rapid succession with his firearm. Deputy [redacted] fired four (4) times at Suspect Avitia in rapid succession with his firearm. Deputy [redacted] fired three (3) times at Suspect Avitia in rapid succession. Deputy [redacted] observed Suspect Avitia got up and raised his arm. Deputy [redacted] fired an additional two (2) rounds in rapid succession at Suspect Avitia.

Deputy [redacted] observed Suspect Avitia fall to his knees. Deputy [redacted] observed Suspect Avitia raised the firearm toward his partners. Fearing Suspect Avitia was going to shoot his partners, he fired two (2) rounds at Suspect Avitia in rapid succession with his firearm. Suspect Avitia laid face down on the north sidewalk. Deputy Woodard broadcasted they were involved in a "998" and requested medical aid for Suspect Avitia **[EXHIBIT C: Radio Traffic, SCC Access and Dispatch 12]**.

> **IAB Note**: "998" is a Los Angeles County Sheriff's Department radio code for deputy involved shooting (DIS).

[redacted] developed a plan with deputies to approach Suspect Avitia with a shield. He designated Deputy Campos to utilize the shield as cover while the team approached. He designated deputy shooters in the event it was warranted. The team approached Suspect Avitia to arrest and render aid to him. Deputies [redacted] and Woodard handcuffed Suspect Avitia without further incident. Deputies Campos and [redacted] rendered medical aid to Suspect Avitia by applying pressure to his wounds. Suspect Avitia was treated on scene by Los Angeles County Fire Department personnel, Engine 14, under the supervision of Captain Valdoria. Paramedic Sowden pronounced Suspect Avitia deceased at the scene. Deputies secured the scene for evidence, canvassed for witnesses, and waited for Homicide Bureau investigators. Involved and witness deputies were transported to South LA Station to be interviewed.

Homicide investigators arrived on scene and assumed control of the crime scene and criminal investigation.

While walking the scene, Homicide investigators were contacted by a nearby resident, Mr. [redacted]. Mr. [redacted] herd someone yell "stop running," then he saw an

officer had got out of a black vehicle. He saw a Hispanic male (Suspect Avitia) running and he heard officers yell at least twice to put the gun down. Mr. [redacted] view of Suspect Avitia became obstructed when Suspect Avitia went behind a parked vehicle. Shortly afterward, he saw deputies fire their weapons at Suspect Avitia. Another deputy, who was behind a black SUV, fired his weapon at Suspect Avitia shortly after the first volley. For additional information, refer to **EXHIBIT A, Homicide Book, pages 2-3, Homicide transcripts**.

A Ruger, model Security-9, 9mm caliber pistol, containing one live round in the chamber and one loaded magazine containing fourteen (14) live 9mm rounds was recovered on the grass next to where the shooting occurred **[EXHIBIT A: Homicide Book, pages 20, 26, and 72-74 / Digital Photographs / Suspect Firearm Photos]**. Forensic Identification Specialist (FIS), Cathy Johnson photographed the scene **[EXHIBIT A: digital photographs]**.

IAB Note: No involved employees, nor the witness employees were equipped with body-worn cameras.

DISTRICT ATTORNEY'S LETTER OF OPINION

This case was reviewed by the Los Angeles County District Attorney's Office, Justice System Integrity Division (JSID). In their letter of opinion, dated June 24, 2021, Deputy District Attorney Alan Yochelson concluded that Deputies [redacted], [redacted], [redacted], and [redacted] acted lawfully in self-defense and defense of another when they used deadly force against Robert Avitia **[EXHIBIT B]**.

INVOLVED EMPLOYEES AND WORK HISTORY

[redacted], Deputy Sheriff, #[redacted]

Work History

[redacted]

Date of Employment:	February 4, 1999
Date Completed Patrol Training:	[redacted]
[redacted]	[redacted]
Prior Shooting incidents:	Two
Prior Category 3 Force Incidents:	[redacted]

Equipment Worn on Person

On May 26, 2020, Deputy [redacted] wore a black shirt, tan shorts, black baseball cap. Deputy [redacted] wore an olive-green colored bullet resistant tactical vest with sheriff emblems. The vest consisted of two (2) magazine pouches in front; one (1) pouch

carrying two (2) M4 thirty (30) round magazines, one (1) pouch carrying three (3) thirty (30) round MP5 magazines. One (1) magazine pouch carrying two (2) M&P 9mm magazines, and handcuff case. Deputy [redacted] wore a belt with drop-down holster attached to his right leg which contained his M&P 9mm pistol. Deputy [redacted] rifle was a Heckler and Koch, model MP5K rifle, with serial #[redacted] **[EXHIBIT A: Homicide Book, pages 3-5]**.

[redacted], Deputy Sheriff, #[redacted]

Work History:

[redacted]

Date of Employment: November 3, 2004
Date Completed Patrol Training: [redacted]
Prior Shooting incidents: One
Prior Category 3 Force Incidents: [redacted]

Equipment Worn on Person

On May 26, 2020, Deputy [redacted] wore a black shirt, black shorts, black and gray "Dodgers" hat. Deputy [redacted] wore a tactical vest with sheriff emblems. The vest consisted of a radio holder, magazine holders for an M4, 9mm M&P, and magazine pouch for a MP5K, pouches for handcuffs and a flashlight. Deputy [redacted] wore a drop-down holster on his left thigh, which contained his Smith & Wesson, model M&P, 9mm pistol. Deputy [redacted] rifle was a Heckler and Koch, model MP5K rifle, with serial #[redacted] **[EXHIBIT A: Homicide Book, pages 5-7]**.

[redacted], Deputy Sheriff, #[redacted]

Work History

[redacted]

Date of Employment: February 23, 1999
Date Completed Patrol Training: [redacted]
Prior Shooting incidents: Two
Prior Category 3 Force Incidents: [redacted]

Equipment Worn on Person

On May 26, 2020, Deputy [redacted] wore gray shorts, black shirt and a black baseball hat. Deputy [redacted] had a thigh holster which contained his Smith & Wesson M&P pistol. Deputy [redacted] wore a green tactical vest with sheriff emblems. The vest contained a radio holder, flashlight, handcuff pouch, tourniquet, and two MP5 magazine holders. Deputy [redacted] rifle was a Heckler and Koch, model MP5K rifle, with serial #[redacted] **[EXHIBIT A: Homicide Book, pages 8-9]**.

[redacted], Deputy Sheriff, #[redacted]

Work History

[redacted]

Date of Employment: April 13, 2000
Date Completed Patrol Training: [redacted]
[redacted]: [redacted]
Prior Shooting incidents: [redacted]
Prior Category 3 Force Incidents: [redacted]

Equipment Worn on Person

On May 26, 2020, Deputy [redacted] wore gray shorts and black shirt. Deputy [redacted] had a thigh holster attached to his belt and wrapped around his right thigh. His holster contained his Smith & Wesson, M&P pistol. Deputy [redacted] wore a green tactical vest with sheriff emblems. The vest contained extra magazine pouches for M4 magazines, 9mm magazines, pouches for handcuffs, radio and OC spray. Deputy [redacted] rifle was a Colt, model M4LE rifle, serial #LE[redacted], with a surefire light on the side rail, and an aim point COMP4 red dot optic on the top rail **[EXHIBIT A: Homicide Book, pages 9-11]**.

SUSPECT INFORMATION

Robert Avitia

Male, Hispanic, DOB: 09/23/2001, 5'10", 160 pounds
[redacted]
CII #[redacted], MAIN #[redacted], FBI #[redacted]

A check of the Consolidated Criminal History Reporting System (CCHRS) **[EXHIBIT A: Homicide Book, page 145-151]** revealed Suspect Avitia [redacted].

INJURIES

Suspect Avitia

Suspect Avitia suffered seven (7) gunshot wounds; one gunshot wound to the left arm, one gunshot wound to the left mid-chest, one gunshot wound to the left chest, one gunshot wound to the right chest, two (2) gunshot wounds to the abdomen, and one gunshot wound to the left hand. He suffered abrasions of the face, right arm and knees **[EXHIBIT A: Homicide Book, pages 91-112 / Photographs - Autopsy photos].**

Department Personnel

No Department members were injured during this incident.

PHYSICAL EVIDENCE

Under the direction of Homicide investigators, all physical evidence located at the scene was identified and collected by FIS Donna Thomas, Cathy Johnson, Senior Criminalist Tracy peck and Cristina Montes, assigned to the Scientific Services Bureau (SSB). For a description of the evidence collection, see the Homicide Bureau casebook **[EXHIBIT A: Homicide Book, pages 77-90]**.

INVESTIGATOR'S OBSERVATIONS

The scene was described in detail by Homicide investigators, Detectives Daniel Machuca and Gustavo Carrillo **[EXHIBIT A: Homicide Book, pages 18-27]**. The scene was also photographed by FIS Johnson and Thomas **[EXHIBIT A: Digital Photographs]**. IAB investigators' observations were consistent with what was described and documented by Homicide investigators.

WEAPON USED BY DEPUTY [redacted]

On May 26, 2020, Homicide Detectives Giles, Torres and FIS Cristina Montes conducted a round count of Deputy [redacted] rifle. Deputy [redacted] carried his rifle with one round in the chamber and 29 rounds in the magazine. The rifle contained one round in the chamber and 17 rounds in the magazine, indicating Deputy [redacted] fired 12 rounds **[EXHIBIT A: Homicide Book, page 5]**. The rifle was tested for functionality. The results of the test confirmed the firearm was operable **[Miscellaneous Documents].**

Date Deputy [redacted] last qualified: [redacted]

WEAPON USED BY DEPUTY [redacted]

On May 26, 2020, Homicide Detectives Giles, Torres and FIS Cristina Montes conducted a round count of Deputy [redacted] rifle. Deputy [redacted] carried his

rifle with one round in the chamber and 27 rounds in the magazine. The rifle contained one round in the chamber and 23 rounds in the magazine, indicating Deputy [redacted] fired four rounds **[EXHIBIT A: Homicide Book, page 7]**. The rifle was tested for functionality. The results of the test confirmed the firearm was operable **[Miscellaneous Documents].**

Date Deputy [redacted] last qualified: [redacted]

WEAPON USED BY DEPUTY [redacted]

On May 26, 2020, Homicide Detectives Giles, Torres and FIS Cristina Montes conducted a round count of Deputy [redacted] rifle. Deputy [redacted] carried his rifle with one round in the chamber and 29 rounds in the magazine. The rifle contained one round in the chamber and 26 rounds in the magazine, indicating Deputy [redacted] fired three rounds **[EXHIBIT A: Homicide Book, page 9]**. The rifle was tested for functionality. The results of the test confirmed the firearm was operable **[Miscellaneous Documents].**

Date Deputy [redacted] last qualified: [redacted]

WEAPON USED BY DEPUTY [redacted]

On May 26, 2020, Homicide Detectives Giles, Torres and FIS Cristina Montes conducted a round count of Deputy [redacted] rifle. Deputy [redacted] carried his rifle with one round in the chamber and 27 rounds in the magazine. The rifle contained one round in the chamber and 25 rounds in the magazine, indicating Deputy [redacted] fired two rounds **[EXHIBIT A: Homicide Book, page 11]**. The rifle was tested for functionality. The results of the test confirmed the firearm was operable **[Miscellaneous Documents].**

Date Deputy [redacted] last qualified: [redacted]

WEAPON POSSESSED BY SUSPECT AVITIA

Suspect Avitia possessed a Ruger, model Security-9, 9mm caliber pistol, Serial #[redacted], loaded with one live round in the chamber, and one loaded magazine containing fourteen (14) live 9mm rounds **[EXHIBIT A: Homicide Book, pages 20, 26, and 72-74].** The presence of Suspect Avitia's DNA was indicated on the trigger guard, grip, slide, frame and magazine of the firearm **[EXHIBIT A, Homicide Book, pages 73-82].** The firearm was tested for functionality and comparison to evidence from the murder investigation under file #020-03538-0375-011. The results of the test confirmed the firearm was operable and did not match the weapon used in the murder **[Miscellaneous Documents]**.

PROPERTY DAMAGE

The Crime Scene Investigation Report indicated the following holes and impacts were observed **[EXHIBIT A: Homicide Book, pages 77-80]:**

1. Ford Fusion (MI License # [redacted]); Bullet hole in the left "C" pillar, bullet hole in the left side of the roof, near the rear edge.

2. Ford Fiesta (CA License [redacted]); Bullet hole in the left "C" pillar, just rear of the triangular stationary window. Bullet hole in the left facing edge of the spoiler. Bullet hole in the left quarter panel, just above the fuel door. Bullet hole in the fuel door.

IAB Note: On the Crime Scene Investigation Report, it listed damaged vehicle (CA License #[redacted]) as a Ford Focus. The correct vehicle model is a Ford Fiesta.

3. Mazda MPV (CA License #[redacted]); Bullet hole in the grill, just right of the center. Bullet hole in the right headlight lens.

4. [redacted] Bullet impact to the wood fence bordering the front yard, just northwest of the decedent. Two (2) bullet holes in the wood fence bordering the front yard, just northwest of the decedent. Bullet hole in the nylon canopy covering the driveway. Bullet impact to the pole supporting the northeast corner of the nylon canopy covering the driveway.

5. [redacted] Bullet hole in the window screen and window within the west exterior wall of the residence.

CRIMINAL INVESTIGATORS AND CHARGES FILED

The criminal investigation into this shooting was conducted by Homicide investigators, Detectives Giles and Torres. No charges were filed. The criminal investigation into the murder, which occurred on May 1, 2021, was handled by Homicide investigators, Sergeant Recchia and Detective Lukehart. On September 28, 2021, investigators presented their case to the Los Angeles County District Attorney's Office. Miguel Gaxiola was charged in Los Angeles Superior Court under case # YA102033 for the following charges:

- 187 (a) P.C. – Murder

- 29800 (a)(1) P.C. – Possession of a Firearm by a convicted felon.

The case is ongoing with a pending jury trial date of April 8, 2022. Refer to Superior Court of California, Criminal – Index and Minute Order **[Miscellaneous Documents]**.

LIGHTING AND WEATHER CONDITIONS

The incident occurred during daylight hours at 1715 hours. The weather was mostly clear and sunny.

RADIO TRAFFIC

Internal Affairs Bureau Investigators reviewed SCC radio traffic – SCC Access channel, Dispatch 12, L-Tac 2, and A-Tac 2. The following are summarized excerpts from the compiled radio traffic **[EXHIBIT C: Radio Traffic]**:

Radio Traffic SCC Access Channel-

Actual Time	Audio File No.	Description
17:14:00	1	Deputy Woodard (OSSDG1) requested emergency radio clearance. He advised SCC several undercover units were detaining a suspect at gunpoint, refusing to put a gun down. Requested South LA units to respond to Budlong Avenue and 109th Place.
17:15:03	1	Deputy Woodard advised a deputy involved shooting occurred.
17:15:20	1	Deputy Woodard advised suspect was down and requested the Fire Department to respond.
17:16:16	1	Deputies advised they still have movement and did not have a visual on the gun.
17:16:56	1	Deputies requested a shield to approach the suspect.
17:17:18	1	Deputies advised the suspect returned fire.
17:18:15	1	Deputies advised they approached to handcuff the suspect.

Radio Traffic Dispatch Channel 12-

Actual Time	Audio File No.	Description
17:14:28	2	SCC advised SLA units they were patched into the SCC Access Channel for emergent traffic. SCC advised several undercover units detained a person with a gun at Budlong and 109th Place.

17:14:51	2	Deputy Woodard (OSSDG1) advised they were at Budlong and 109th Place as several undercover units detained a suspect with a gun.
17:15:03	2	Deputy Woodard advised a deputy involved shooting occurred.
17:15:20	2	Deputy Woodard advised the suspect was down and requested the Fire Department to respond.
17:16:16	2	Deputies advised they had movement and did not have visual of the gun.
17:16:56	2	Deputies requested a shield to approach the suspect.
17:17:18	1	Deputies advised the suspect returned fire.
17:18:15	1	Deputies advised they approached to handcuff the suspect.

IAB investigators obtained and reviewed the contents of L-Tac 2, and A-Tac 2. No significant radio traffic was heard. The audio files were submitted with this case **[EXHIBIT C: Radio Traffic]**.

SURVEILLANCE VIDEO

On May 26, 2020, Homicide Bureau investigators, assisted by LASD Tech Unit [redacted] and [redacted] obtained video surveillance footage of the incident. Internal Affairs Bureau investigators reviewed the surveillance video footage **[EXHIBIT D: Videos]**. The video marks below correspond with the video time display of the footage. The following is a brief synopsis of the videos:

Surveillance Video – [redacted]

Video Number	Video Mark	Description
1	05:25:04 PM	Suspect Avitia ran on the street as Special Agent [redacted] chased Suspect Avitia. A gray Dodge Charger followed Suspect Avitia.
2	05:25:12 PM	Suspect Avitia ran westbound on video. Gray Dodge Charger stopped in front of location. Detective [redacted] exited the Dodge Charger holding a rifle. Special Agent [redacted] held a firearm and followed Suspect Avitia on foot.

Surveillance Video with Audio – [redacted]

Video Number	Video Mark	Description
3	00:01	Suspect Avitia ran westbound on the street, followed by S.A. [redacted] on foot. Dodge Charger followed Suspect Avitia on the street. S.A. [redacted] stated, "He has a gun. He's running westbound 109th Place."
3	00:14	"Drop the gun" heard in the background.
3	00:37	"Let me see your hands" heard in the background.
4	00:01	Sirens heard in the background.

Surveillance Video – [redacted]

Video Number	Video Mark	Description
5	17:19:26 PM	Suspect Avitia walked across the street and ran westbound 109th Place with a firearm in his right hand.
5	17:19:36 PM	Suspect Avitia turned to his left and pointed a firearm towards S.A. [redacted] and Dodge Charger.
5	17:19:39 PM	Detective [redacted] parked the Dodge Charger in the middle of the street. Detective [redacted] exited the Dodge Charger with a rifle in hand and followed Suspect Avitia westbound 109th Place. S.A [redacted] held a firearm and followed behind Detective [redacted]
5	17:24:32	Special Agent [redacted] returned to the Dodge Charger, moved vehicle, and blocked the middle of the street.

Twitter Video with Audio

Video Number	Video Mark	Description
6	00:05	Deputies observed behind a parked white vehicle, pointed their firearms across the street. "Drop the gun" heard in the background.
6	00:11	Gunfire heard in the background.

6	00:44	Deputies approached Suspect Avila from across the street.

STATEMENTS

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions.

INVOLVED EMPLOYEES

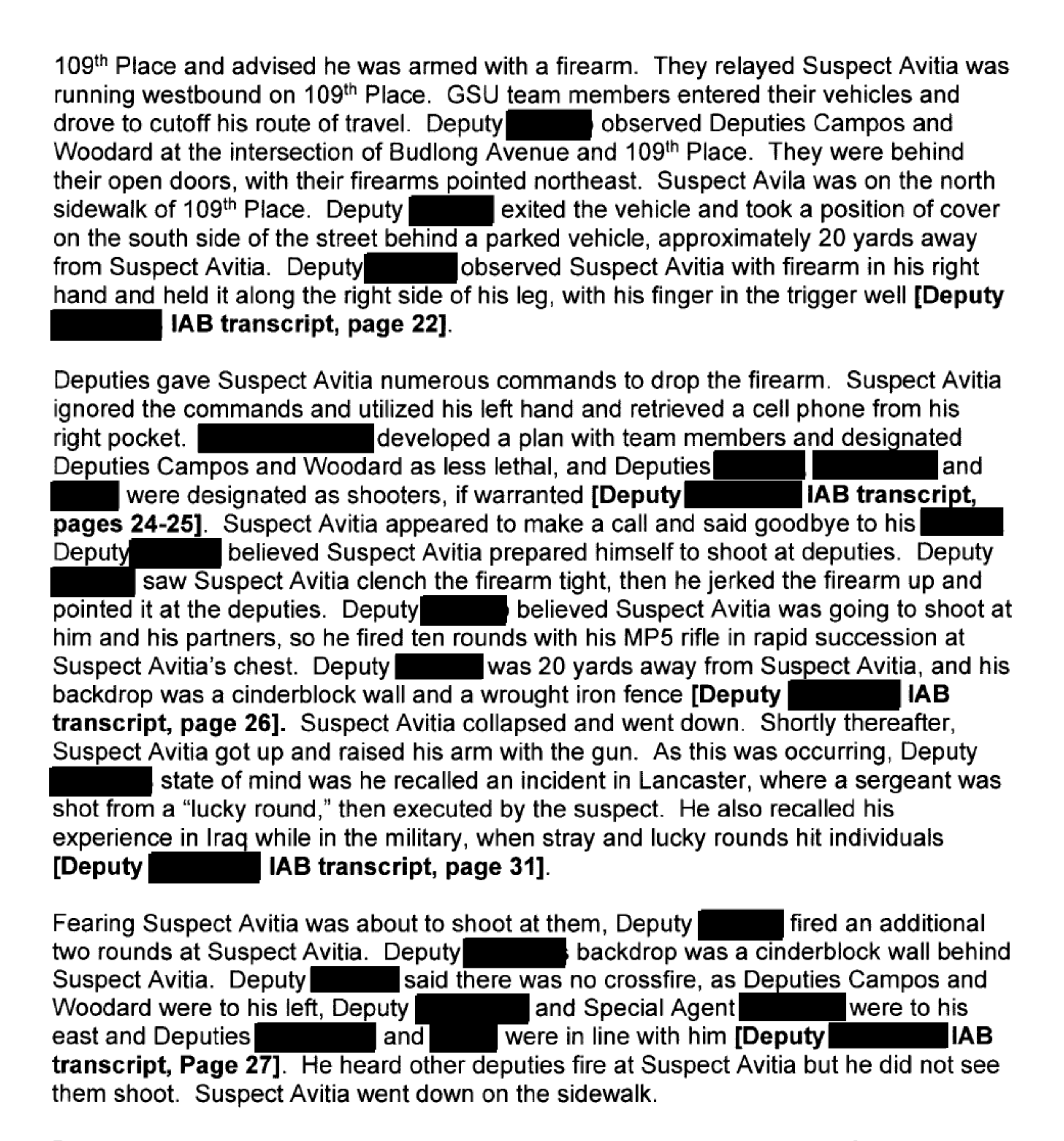
Deputy [redacted]

On May 26, 2020, Deputy [redacted] was interviewed by Homicide Bureau Detectives Scott Giles and Adan Torres. Deputy [redacted] was represented by Bill Hadden from the RLS law firm. Deputy [redacted] was interviewed on January 14, 2022, by IAB Sergeants Armando Martinez and Benjamin Grubb. He was represented by Bill Hadden from the RLS law firm.

Deputy [redacted] was assigned in an undercover capacity and tasked to locate and apprehend Suspect Avitia. Deputy [redacted] utilized Department resources and obtained information to locate Suspect Avitia. On May 26, 2021, Deputy [redacted], and members of GSU met at South LA Sheriff's Station and briefed the Operation Plan, which consisted of the mission to locate and apprehend Suspect Avitia. Also discussed was Suspect Avitia's criminal history and recent photographs were dispersed. Deputy [redacted] was the primary investigator and responsible for surveying the location. GSU members conducted surveillance and positioned themselves to contain the area of [redacted] where Suspect Avitia was seen a day prior. GSU members began their surveillance at approximately 1000 hours.

At approximately 1630 hours, Deputy [redacted] observed Suspect Avitia exited the location and re-enter. Deputy [redacted] conferred with [redacted] on the next tactical approach to apprehend Suspect [redacted] [redacted] determined a surround and callout as the next course of action. Deputy [redacted] tasked team members with their assignments. He assigned Deputy [redacted] and Special Agent [redacted] as rear containment. Deputies [redacted], Campos, [redacted], [redacted], Woodard, and [redacted] were assigned to conduct call outs at the front of the location. Deputies Campos and Woodard were in full Sheriff's Department uniform and utilized their patrol vehicle, equipped with a PA system to make announcements. Deputies identified themselves as the Los Angeles County Sheriff's Department, announced they had a warrant for Suspect Avitia, and commanded the occupants to exit the location **[Deputy [redacted] IAB transcript, pages 17- 18]**.

While the occupants exited the location, deputies observed Suspect Avitia exited the rear of the location. Deputies relayed the information to the team members via radio. Deputy [redacted] and Special Agent [redacted] positively identified Suspect Avitia on



109th Place and advised he was armed with a firearm. They relayed Suspect Avitia was running westbound on 109th Place. GSU team members entered their vehicles and drove to cutoff his route of travel. Deputy [redacted] observed Deputies Campos and Woodard at the intersection of Budlong Avenue and 109th Place. They were behind their open doors, with their firearms pointed northeast. Suspect Avila was on the north sidewalk of 109th Place. Deputy [redacted] exited the vehicle and took a position of cover on the south side of the street behind a parked vehicle, approximately 20 yards away from Suspect Avitia. Deputy [redacted] observed Suspect Avitia with firearm in his right hand and held it along the right side of his leg, with his finger in the trigger well **[Deputy [redacted] IAB transcript, page 22]**.

Deputies gave Suspect Avitia numerous commands to drop the firearm. Suspect Avitia ignored the commands and utilized his left hand and retrieved a cell phone from his right pocket. [redacted] developed a plan with team members and designated Deputies Campos and Woodard as less lethal, and Deputies [redacted], [redacted] and [redacted] were designated as shooters, if warranted **[Deputy [redacted] IAB transcript, pages 24-25]**. Suspect Avitia appeared to make a call and said goodbye to his [redacted] Deputy [redacted] believed Suspect Avitia prepared himself to shoot at deputies. Deputy [redacted] saw Suspect Avitia clench the firearm tight, then he jerked the firearm up and pointed it at the deputies. Deputy [redacted] believed Suspect Avitia was going to shoot at him and his partners, so he fired ten rounds with his MP5 rifle in rapid succession at Suspect Avitia's chest. Deputy [redacted] was 20 yards away from Suspect Avitia, and his backdrop was a cinderblock wall and a wrought iron fence **[Deputy [redacted] IAB transcript, page 26].** Suspect Avitia collapsed and went down. Shortly thereafter, Suspect Avitia got up and raised his arm with the gun. As this was occurring, Deputy [redacted] state of mind was he recalled an incident in Lancaster, where a sergeant was shot from a "lucky round," then executed by the suspect. He also recalled his experience in Iraq while in the military, when stray and lucky rounds hit individuals **[Deputy [redacted] IAB transcript, page 31]**.

Fearing Suspect Avitia was about to shoot at them, Deputy [redacted] fired an additional two rounds at Suspect Avitia. Deputy [redacted] backdrop was a cinderblock wall behind Suspect Avitia. Deputy [redacted] said there was no crossfire, as Deputies Campos and Woodard were to his left, Deputy [redacted] and Special Agent [redacted] were to his east and Deputies [redacted] and [redacted] were in line with him **[Deputy [redacted] IAB transcript, Page 27]**. He heard other deputies fire at Suspect Avitia but he did not see them shoot. Suspect Avitia went down on the sidewalk.

Deputies made a tactical approach across the street to another position of cover, closer to Suspect Avitia. Deputies called for a ballistic shield to approach Suspect Avitia and take him into custody, as well as provide medical aid. Deputies utilized the shield for cover and approached Suspect Avitia who was on his stomach. Deputy Woodard handcuffed Suspect Avitia without further incident. Deputies rendered medical aid and requested an ambulance. Suspect Avitia was pronounced deceased by Fire Department personnel at the scene. GSU team members were then sequestered.

Deputy [redacted]

On May 26, 2020, Deputy [redacted] was interviewed by Homicide Bureau Detectives Scott Giles and Adan Torres. Deputy [redacted] was represented by Bill Hadden from the RLS law firm. Deputy [redacted] was interviewed on January 14, 2022, by IAB Sergeants Armando Martinez and Benjamin Grubb. He was again represented by Bill Hadden from the RLS law firm.

On May 26, 2021, Deputy [redacted] was [redacted] and worked in an undercover capacity. GSU team members briefed the operation to locate and apprehend Suspect Avitia. Team members briefed Suspect Avitia's criminal history, addresses associated with him, as well as photographs of Suspect Avitia. While on surveillance, Deputy [redacted] parked his undercover Dodge Ram facing west of Vermont Avenue to surveil [redacted] At approximately 1645 hours, Deputy [redacted] relayed over the radio, he saw Suspect Avitia look out the front door of [redacted].

Deputy [redacted] relayed a plan to conduct a surround and call out of the location. Deputy [redacted] tasked Deputy [redacted] and Special Agent [redacted] to the rear of the location. He designated Deputies Campos and Woodard to utilize the PA system of their patrol vehicle to make announcements for Suspect Avitia to exit the residence. Deputies [redacted], [redacted] and [redacted] were to the east of Deputies Campos and Woodard. While announcements were made, Deputy [redacted] observed an unknown male exit the rear of the location. He relayed over the radio his observations **[Deputy [redacted] IAB transcript, page13]**. A few seconds later, he heard radio traffic Suspect Avitia ran westbound on 109th Place with a firearm in his hand. Deputy [redacted] entered his vehicle, picked up Deputy [redacted] and drove around to Budlong Avenue and 109th Place.

Deputy [redacted] observed Deputies Campos and Woodard outside their patrol vehicle and gave Suspect Avitia commands to drop his weapon and to place his hands up. Deputy [redacted] exited his vehicle and took cover on the southside of the street, behind a parked vehicle, approximately 15 yards away from Suspect Avitia. Deputy [redacted] observed Suspect Avitia on the north sidewalk, in front of a residence, with his back toward the residence. Suspect Avitia had the firearm in his right hand, pointed down alongside his right leg, and his finger in the trigger well **[Deputy [redacted] IAB transcript, page15-16]**. [redacted] developed a plan while deputies gave commands for Suspect Avitia to drop his weapon. [redacted] designated Deputy Woodard to use less lethal weapons, and Deputies [redacted], [redacted] and [redacted] were designated shooters.

Deputies gave Suspect Avitia numerous commands to drop his weapon, however he ignored them. Suspect Avitia removed a cell phone and appeared to make a phone call and said goodbye. Deputy [redacted] believed Suspect Avitia would hang up the phone and shoot at them. Deputy [redacted] observed Suspect Avitia raise his right hand with his finger still inside the trigger well and pointed it at Deputy [redacted] and

himself. Fearing for his life and his partners lives, Deputy [redacted] fired four rounds from his MP5 rifle in rapid succession at Suspect Avitia's chest. **[Deputy [redacted] IAB transcript, page 24-25]**. Deputy [redacted] was approximately 10-15 yards away from Suspect Avitia. Deputy [redacted] backdrop was a four-foot-high cinderblock wall with wood topper, behind Suspect Avitia. Deputy [redacted] heard other deputies around him fire at Suspect Avitia. Deputy [redacted] lost sight of Suspect Avitia after he was shot. Suspect Avitia went down on the sidewalk behind a vehicle. Deputy [redacted] relayed he saw Suspect Avitia moving behind the vehicle. Shortly thereafter, Deputy [redacted] heard an additional two rounds from the east of him, which were fired by a team member. There was no crossfire situation, as Deputies Campos and Woodard were to his west, Deputy [redacted] and Special Agent [redacted] were to his east **[Deputy [redacted] IAB transcript, Page 26]**.

Deputy [redacted] relayed he saw Suspect Avitia on the ground and he was not moving. [redacted] developed a plan to approach. He designated Deputy Campos with the ballistic shield as the team approached Suspect Avitia. As deputies approached, they gave several commands to Suspect Avitia, but he did not was respond. Deputies approached, and Deputies [redacted] and Woodard handcuffed Suspect Avitia **[Deputy [redacted] IAB transcript, page 28]**.

Deputies Campos and [redacted] attempted to locate Suspect Avitia's wounds and attempted medical aid until Fire Department personnel arrived. Deputies searched the area to ensure no residents in the area were injured. Deputy [redacted] was then transported to South LA Sheriff's Station.

Deputy [redacted]

On May 26, 2020, Deputy [redacted] was interviewed by Homicide Bureau Detectives Scott Giles and Adan Torres. Deputy [redacted] was represented by Bill Hadden from the RLS law firm. Deputy [redacted] was interviewed on January 14, 2022, by IAB Sergeants Armando Martinez and Benjamin Grubb. He was again represented by Bill Hadden from the RLS law firm.

On May 26, 2021, Deputy [redacted] was [redacted] and worked in an undercover capacity. GSU team members briefed at South LA Sheriff's Station regarding a surveillance operation to locate and apprehend Suspect Avitia. Team members briefed Suspect Avitia's criminal history, addresses associated with him, as well as photographs of Suspect Avitia. Deputy [redacted] took a position east of the locations to be surveilled. At approximately 1645 hours, Deputy [redacted] relayed over the radio, he saw Suspect Avitia look out the front door of [redacted]

Deputy [redacted] broadcasted a plan to surround and conduct callouts of the location. Deputies utilized a PA system and announced their presence. Shortly after announcements were made, Deputy [redacted] observed a male exited the rear of the location. He relayed the information to team members. Deputy [redacted] and Special Agent [redacted] saw Suspect Avitia armed with a firearm and ran westbound **[Deputy**

[redacted] **IAB transcript, page 9]**. Deputy [redacted] entered his vehicle and drove westbound, to northbound Budlong to 109th Place. Deputy [redacted] observed Deputies Campos and Woodard at the corner of Budlong Avenue and 109th Place. He exited his vehicle and observed Suspect Avitia on the north sidewalk, armed with a firearm in his right hand, finger in the trigger well and the firearm pointed down by his right leg. Deputies [redacted], [redacted], [redacted] and [redacted] took cover behind a parked vehicle on the south side of the street, 15 yards from Suspect Avitia.

Deputy [redacted] gave Suspect Avitia commands to drop the gun. Deputy [redacted] gave several of the same commands in Spanish. Suspect Avitia reached with his left hand and removed a cell phone. He then proceeded to make a call. Deputy [redacted] heard Suspect Avitia appeared to speak with his [redacted] and saying his goodbyes. [redacted] developed a plan with Deputies Campos and Woodard as less lethal and Deputies [redacted], [redacted] and [redacted] would be designated shooters **[Deputy [redacted] IAB transcript, page 14]**. Suspect Avitia looked at Deputy [redacted] and raised his right hand. Believing Suspect Avitia was about to shoot him and possibly kill them, Deputy [redacted] fired three rounds from his MP5 rifle at Suspect Avitia's chest. Deputy [redacted] was 15 yards away from Suspect Avitia. Deputy [redacted] backdrop was a cinderblock wall as Suspect Avitia was between two parked vehicles **[Deputy [redacted] IAB transcript, page 15]**. Deputies [redacted] and [redacted] also fired their firearms. There was no crossfire situation, as Deputy [redacted] was on the northside of 109th Place and faced east. Deputies [redacted], [redacted] and [redacted] were behind the same vehicle and Deputies Campos and Woodard were to his west **[Deputy [redacted] IAB transcript, pages 11-12]**.

Suspect Avitia dropped behind the parked vehicles and Deputy [redacted] could no longer see him. Deputy [redacted] observed Suspect Avitia "ruffled around" and heard two additional gun shots coming from the east. Deputy [redacted] heard the last two rounds, which had a distinct sound of an M4 rifle. Deputies developed a tactical plan to approach with the ballistic shield to render aid to Suspect Avitia. Deputy Woodard requested assistance from South LA Sheriff's Station personnel via his radio. Deputy [redacted] was designated as "hot radio" to communicate with responding units as deputies approached. Deputy [redacted] observed Suspect Avitia on the ground as South LA Sheriff's station personnel arrived. He coordinated with units to preserve evidence and requested Fire Department personnel to treat Suspect Avitia.

Deputy [redacted]

On May 26, 2020, Deputy [redacted] was interviewed by Homicide Bureau Detectives Scott Giles and Adan Torres. Deputy [redacted] was represented by Bill Hadden from the RLS law firm. Deputy [redacted] was interviewed on January 14, 2022, by IAB Sergeants Armando Martinez and Benjamin Grubb. He was again represented by Bill Hadden from the RLS law firm.

On May 26, 2021, Deputy [redacted] was [redacted] and worked in an undercover capacity. [redacted] team members briefed at South LA Sheriff's Station

regarding a surveillance operation to locate and apprehend Suspect Avitia. Team members briefed Suspect Avitia's criminal history, addresses associated with him, as well as photographs of Suspect Avitia. Deputy [redacted] and Special Agent [redacted] were assigned to the rear of [redacted] at the corresponding numbers on 109th Place. At approximately 1700 hours, Deputy [redacted] relayed over the radio, he saw Suspect Avitia inside the target location.

Deputy [redacted] advised the team would surround and conduct call outs of the location. Deputy [redacted] and Special Agent [redacted] were assigned to rear containment. The rest of the team members were tasked with using the marked unit's PA system to make announcements at the front of the location. Deputy [redacted] overheard radio traffic they saw an individual had fled the rear of the location. Deputy [redacted] exited his vehicle and looked for the individual who fled. Deputy [redacted] observed an individual on the south side of the street, two properties east of the surveilled location. Deputy [redacted] immediately recognized the individual as Suspect Avitia. Deputy [redacted] advised Special Agent [redacted] of Suspect Avitia's location **[Deputy [redacted] IAB transcript, pages 10-11]**.

Deputy [redacted] announced, "Sheriff's Department" and gave commands for Suspect Avitia to get on the ground and to show his hands. Suspect Avitia ignored the commands and proceeded to run westbound 109th Place **[Deputy [redacted]' IAB transcript, pages 11-12]**. Deputy [redacted] entered his vehicle and followed Suspect Avitia. Special Agent [redacted] utilized his radio and advised team members Suspect Avitia ran westbound 109th Place and was armed with a firearm. Suspect Avitia ran northbound across the street and continued westbound 109th Place. As Suspect Avitia ran across the street, Deputy [redacted] noticed he was armed with a firearm in his right hand. Deputy [redacted] gave numerous commands for Suspect Avitia to stop running. Suspect Avitia stopped at a driveway of a residence. Deputy [redacted] stopped and exited his vehicle 20 to 30 yards away from Suspect Avitia. Deputy [redacted] gave several commands for him to stop and to get on the ground. Suspect Avitia ignored the commands and ran westbound 109th Place toward Budlong Avenue. Deputy [redacted] lost sight of Suspect Avitia at the time.

Deputy [redacted] re-entered his vehicle and followed Suspect Avitia. Deputy [redacted] observed Suspect Avitia at a driveway on 109th Place, near Budlong Avenue. Deputy [redacted] exited his vehicle and took cover behind a Chevy Tahoe on the north side of the street. Deputy [redacted] and Special Agent [redacted] gave commands for Suspect Avitia to drop the firearm and to get on the ground **[Deputy [redacted]' IAB transcript, page 13]**. Deputy [redacted] pointed his rifle at Suspect Avitia. Deputy [redacted] observed team members blocked the intersection of Budlong Avenue and 109th Place. He heard commands given for Suspect Avitia to drop his weapon. Deputy [redacted] stopped behind the Chevy Tahoe for cover while commands were given by team members on the south side of the street, across from Suspect Avitia.

Deputy [redacted] saw Suspect Avitia had removed a cell phone with this left hand and pointed the firearm down along his right leg with his right hand. Special Agent [redacted]

advised Deputy [redacted] he watched their rear; in case anyone came up from behind them. Suspect Avitia appeared to be on the phone for approximately two minutes while team members continued to give commands to drop the firearm and to get on the ground. Suspect Avitia raised his arm and pointed the firearm toward the team members. Deputy [redacted] heard a volley of gunfire, and Suspect Avitia's body jerked as if stuck by gunfire. Suspect Avitia fell on the ground to his knees behind a vehicle. Suspect Avitia looked around, with the firearm still in his right hand, and began to raise it. Deputy [redacted] believed his partners could not see Suspect Avitia actions behind the vehicle, as Suspect Avitia raised his firearm. Deputy [redacted] believed Suspect Avitia was about to shoot and kill his partners. Deputy [redacted] fired two rounds from his M4 rifle at Suspect Avitia in rapid succession **[Deputy [redacted] IAB transcript, page 14]**. Deputy [redacted] was approximately 40 yards away, and his backdrop was a small cinderblock wall with a wrought iron fence on top.

Suspect Avitia fell to the ground and did not move. Deputy [redacted] advised team members he could not see Suspect Avitia's firearm **[Deputy [redacted] IAB transcript, page 22-23]**. Team members waited for a ballistic shield to safely approach Suspect Avitia and to render aid. Team members advised over the radio, as they approached with a shield and handcuffed Suspect Avitia. Deputy [redacted] provided cover for his partners, as he had his firearm pointed at Suspect Avitia, as they approached. Deputy [redacted] pointed his firearm downward as team members handcuffed Suspect Avitia. Team members rendered medical aid until Fire Department personnel arrived.

EMPLOYEE WITNESSES

Deputy Marcelo Campos

On June 4, 2020, Deputy Marcelo Campos was interviewed by Homicide Bureau Detectives Scott Giles and Adan Torres. Deputy Marcelo Campos was interviewed on January 5, 2022, by IAB Sergeant Armando Martinez.

On May 26, 2021, Deputy Marcelo Campos and Deputy Theodore Woodard were assigned to the GSU, as the uniformed take-down unit to assist undercover detectives. Deputy Campos was the driver, and Deputy Woodard was the passenger. They were in their unmarked Ford Explorer patrol vehicle, equipped with a PA system and police lights. GSU team members attended a briefing at South LA Sheriff's Station and discussed the operations plan for the day. The briefing consisted of identifying information, criminal history, addresses associated with and photographs of Suspect Avitia.

At approximately 1630 hours, Deputy [redacted] advised over the radio he observed Suspect Avitia inside the location. Deputy [redacted] developed a plan to surround the location and to conduct callouts. Deputy [redacted] advised Deputy Campos they would be utilized at the front of the location and make announcements for the residents to exit. Deputies Campos and Woodard arrived at the front of the location and announced over

the PA loudspeaker and identified themselves as the Los Angeles County Sheriff's Department. He announced the location was surrounded and for Suspect Avitia to exit the location. Deputy Campos made announcements for about ten minutes before residents exited the location **[Deputy Campos' IAB transcripts, page 9]**.

Deputy Campos overheard on the radio Suspect Avitia exited the rear of the location. Deputy Campos heard Special Agent [redacted] advise Suspect Avitia was armed with a firearm and ran westbound 109th Place. Deputies Campos and Woodard entered their vehicle and travelled westbound 110th Street to northbound Budlong Avenue and stopped at the intersection of Budlong Avenue and 109th Place. Deputy Campos observed Suspect Avitia on the north sidewalk, behind a vehicle. Suspect Avitia was armed with a firearm in his right hand. Deputies Campos and Woodard gave Suspect Avitia commands to drop his weapon, which he ignored. GSU team members arrived and positioned themselves on the south side of the street behind a vehicle for cover. They also gave commands for Suspect Avitia to drop his weapon.

Suspect Avitia grabbed a cell phone with his left hand and appeared to make a phone call. Deputy Campos observed Suspect Avitia 20 yards west of him. Other team members were 10 to 15 yards south of Suspect Avitia. Deputy Campos lost sight of Suspect Avitia as he walked between two vehicles on the north side of the street. Deputy Campos heard approximately ten gunshots from team members and Suspect Avitia fell to the ground **[Deputy Campos' IAB transcripts, page 19]**. [redacted] developed a plan to approach Suspect Avitia with a shield. Deputy Campos was designated to provide cover for the team members with the ballistic shield as they approached. [redacted] designated shooters and an arrest team as they approached. Deputy Woodard handcuffed Suspect Avitia. Deputy Campos provided medical aid to Suspect Avitia by applying pressure to his wounds until Fire Department personnel arrived. They were then transported to South LA Sheriff's Station.

Deputy Theodore Woodard

On June 4, 2020, Deputy Theodore Woodard was interviewed by Homicide Bureau Detectives Scott Giles and Adan Torres. Deputy Theodore Woodard was interviewed on January 19, 2022, by IAB Sergeant Armando Martinez. He was represented by attorney Bijan Darvish.

On May 26, 2021, Deputy Marcelo Campos and Deputy Theodore Woodard were assigned to GSU as the uniformed take-down unit to assist undercover detectives. Deputy Campos was the driver and Deputy Woodard was the passenger. They were in their unmarked Ford Explorer patrol vehicle. GSU team members attended a briefing at South LA Sheriff's Station and discussed the operations plan for the day. The briefing consisted of identifying information, criminal history, addresses associated with and photographs of Suspect Avitia.

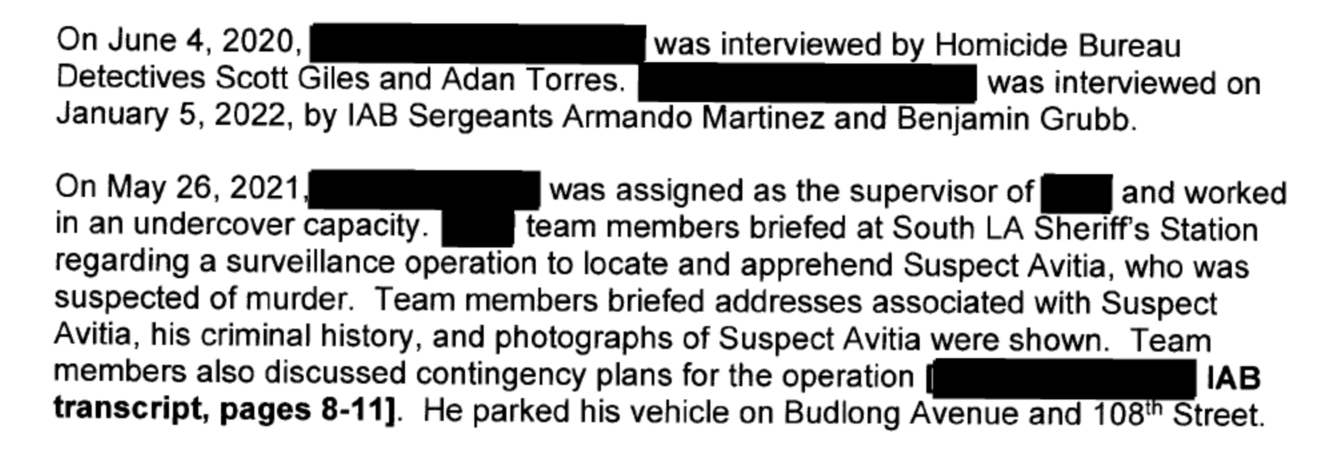
Deputy [redacted] advised team members over the radtio, he observed Suspect Avitia in one of the locations under surveillance. Deputy [redacted] developed a plan and utilized

Deputy Campos and Woodard to make announcements with their vehicle's PA system. Deputy [redacted] utilized other team members to surround the location. Deputy Campos announced they were the Los Angeles County Sheriff's Department and instructed the occupants to exit the location. After several minutes, residents exited the location and approached them. Deputy Woodard observed Suspect Avitia exited the rear of the location **[Deputy Woodard's IAB transcript, page 8]**. Deputy Woodard communicated via his handheld radio that Suspect Avitia ran toward the rear of the location.

Deputy Woodard heard over the radio Suspect Avitia ran westbound 109th Place and was armed with a firearm. Deputies Campos and Woodard entered their vehicle and drove westbound 110th Street to northbound Budlong Avenue and stopped at 109th Place. Deputy Woodard observed Suspect Avitia on the sidewalk, behind vehicles parked on the north side of the street. Suspect Avitia was armed with a firearm in his right hand. Suspect Avitia pointed the firearm down along the right side of his leg. Deputies Campos and Woodard gave Suspect Avitia commands to put his weapon down and to get down on the ground. Deputy Woodard utilized his radio and requested South LA Sheriff's Station personnel to assist. He advised over the radio, Suspect Avitia was armed with a firearm and refused to put it down. He also advised over the radio, to responding units that several undercover units were detaining Suspect Avitia at gunpoint.

Deputy Woodard heard several gunshots. He advised over the radio they were involved in a deputy-involved shooting and requested South LA Sheriff's Station personnel to set up a containment of the area **[Deputy Woodard's IAB transcript, pages 13-14]**. Deputy Woodard requested a ballistic shield to approach Suspect Avitia. [redacted] developed a plan and assigned Deputy Campos with the ballistic shield. He also assigned less lethal options, assigned designated shooters, if warranted, and an arrest team to approach Suspect Avitia. Team members approached Suspect Avitia and gave commands for him to not move. Deputy Woodard handcuffed Suspect Avitia without further incident. Deputy Woodard observed blood on his hands and returned to his vehicle to clean them. Fire Department personnel arrived approximately five to ten minutes after the shooting to treat Suspect Avitia for his injuries.

[redacted]



On June 4, 2020, [redacted] was interviewed by Homicide Bureau Detectives Scott Giles and Adan Torres. [redacted] was interviewed on January 5, 2022, by IAB Sergeants Armando Martinez and Benjamin Grubb.

On May 26, 2021, [redacted] was assigned as the supervisor of [redacted] and worked in an undercover capacity. [redacted] team members briefed at South LA Sheriff's Station regarding a surveillance operation to locate and apprehend Suspect Avitia, who was suspected of murder. Team members briefed addresses associated with Suspect Avitia, his criminal history, and photographs of Suspect Avitia were shown. Team members also discussed contingency plans for the operation **[[redacted] IAB transcript, pages 8-11]**. He parked his vehicle on Budlong Avenue and 108th Street.

At approximately 1615 hours, Deputy [redacted] advised over the radio, he observed Suspect Avitia look out the front door of [redacted], then re-entered the location.

Deputy [redacted] called [redacted] to confer on the next tactic to apprehend Suspect Avitia. They agreed to conduct a surround and call out. They assigned Deputy [redacted] and Special Agent [redacted] as rear containment of the location on 109th Place, while the rest of the team converged on the front of the house. They utilized the uniform take-down team of Deputies Campos and Woodard to make announcements over their PA system of their unmarked patrol vehicle. Deputy Campos identified themselves as the Sheriff's Department, asked Suspect Avitia and everyone inside the location ([redacted] to exit. After three to five minutes, residents exited the front of the location toward the team members. Deputy [redacted] advised over the radio he observed Suspect Avitia exited the rear of the location. Shortly thereafter, Special Agent [redacted] advised Suspect Avitia ran westbound 109th Place and was armed with a firearm.

[redacted] advised his team to go around the corner of Budlong Avenue and 109th Place. [redacted] drove himself and stopped on Budlong Avenue, south of 109th Place. He exited his vehicle and observed Deputies Campos and Woodard yell commands for Suspect Avitia to drop his weapon. [redacted] took cover with Deputies [redacted], [redacted] and [redacted] behind a vehicle parked along the south side of 109th Place. Suspect Avitia stood behind parked vehicles on the north side of 109th Place. [redacted] observed Suspect Avitia was armed with a firearm in his right hand. Suspect Avitia held the firearm along the right side of his leg with his finger on the trigger. Team members gave numerous commands in English and Spanish, for Suspect Avitia to drop his weapon and to place his hands up in the air [redacted] **IAB transcript, page 27]**. Suspect Avitia ignored commands to drop his weapon.

Suspect Avitia reached into his right pocket with his left hand and retrieved a cell phone. Suspect Avitia appeared to make a phone call. [redacted] developed a plan with team members. He designated Deputies [redacted], [redacted], and [redacted] as designated shooters, to prevent contagious fire.

Deputy [redacted] relayed he overheard Suspect Avitia on the cell phone and appeared to say goodbye to his [redacted]. [redacted] believed as Suspect Avitia said goodbye to his [redacted], he was about to commit suicide by cop. He believed Suspect Avitia intended to have team members use deadly force. With the firearm in his right hand, Suspect Avitia bent his arm at the elbow and pointed the firearm toward team members. [redacted] heard a volley of gunfire from Deputies [redacted], [redacted] and [redacted]. [redacted] lost sight of Suspect Avitia as he dropped behind a van. [redacted] heard an additional two rounds being fired. At the time, he believed Suspect Avitia fired the last two rounds. [redacted] believed he and his team members were engaged in a gun battle [[redacted] **IAB transcript, pages 30-31]**. It was later determined the last two rounds came from Deputy [redacted] as he fired his weapon at Suspect Avitia. Deputy Woodard utilized his radio and advised they were

involved in a deputy involved shooting, requested assistance from South LA Sheriff's Station personnel, as well as Fire Department personnel to respond.

[redacted] heard a team member advise Suspect Avitia was down on the ground. Team members tacitly positioned themselves to the north side of the street behind a vehicle for cover to be able to see Suspect Avitia. [redacted] developed a plan with team members to approach Suspect Avitia. He designated Deputy Campos to approach with the ballistic shield, and designated Deputy [redacted] [redacted] and [redacted] as designated shooters, if warranted. Deputies [redacted], Woodard and [redacted] were designated as the arrest team. Suspect Avitia did not move, had his arms underneath himself and was face down on the ground. As the team approached, [redacted] observed the firearm in Suspect Avitia's hand. He stepped on Suspect Avitia's hand, picked up the firearm, and threw it three to four feet away. Deputy Woodard then handcuffed Suspect Avitia.

[redacted] ordered Deputies Campos and [redacted] to provide medical aid to Suspect Avitia. Deputies did not find a pulse. [redacted] noticed Suspect Avitia suffered numerous gunshot wounds to his chest and had several abrasions to his arms **[[redacted] IAB transcript, page 32]**. Fire Department personnel arrived approximately a minute after to treat Suspect Avitia. [redacted] requested responding units to canvass the residences on 109th Place, to ensure no one was injured. No residents were injured.

After the incident, [redacted] made notifications to his lieutenant, Oscar Barragan, OSS Captain Margarita Velasquez, as well as notifications to Homicide Bureau. Team members were then transported to South LA Sheriff's Station to be interviewed.

Additional Information

On June 4, 2020, Witness Special Agent [redacted] was interviewed by Homicide Bureau Detectives Scott Giles and Adan Torres. The interview was summarized in the Homicide casebook **[EXHIBIT A, Homicide Book, pages 14-15; Homicide transcripts]**.

Special Agent [redacted] had not responded to phone and email requests by IAB investigators for an interview **[Miscellaneous Documents]**.